

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

STEPHEN LAKATOS,

Plaintiff,

v.

CANBERRA INDUSTRIES, INC.,

Defendant.

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No. 3:14-CV-73-PLR-CCS

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Defendant's Motion to Stay Disclosures and Discovery [Doc. 27]. Defendant moves the Court to enter an Order staying the time for responding to previously-served discovery and staying the parties' initial disclosures obligations until the Court has issued a ruling upon the Defendant's Motion to Dismiss. Plaintiff has responded in opposition to the Defendant's request. [Doc. 29]. Plaintiff argues that a stay is not appropriate because the Defendant's Motion to Dismiss is run-of-the-mill and does not raise any qualified or absolute immunity defenses, any statute of limitations defenses, or any other novel defenses. The Court has considered the parties' positions and the procedural posture of this case.

A pending Motion to Dismiss is not ordinarily a basis, in and of itself, for staying discovery. As the court in Guild Associates Inc. v. Bio-Energy (Washington) LLC, 2014 WL 2767605 (S.D. Ohio 2014), explained, "[O]ne argument that is usually deemed insufficient to support a stay of discovery is that a party intends to file, or has already filed, a motion to dismiss

for failure to state a claim under Rule 12(b)(6) or motion for judgment on the pleadings.” Id. at \*5; see also Porter v. Five Star Quality Care-MI, LLC, 2014 WL 823418, at \*2 (E.D. Mich. Mar. 3, 2014) (“[C]ourts likewise have recognized that ‘[t]he mere filing of a dispositive motion . . . does not warrant the issuance of a stay [of discovery] under Rule 26(c).’”).

The Court finds that the Defendant’s filing of a Motion to Dismiss pursuant Rule 12(b)(6) of the Federal Rules of Civil Procedure does not amount to good cause supporting a stay of discovery in this case, and the Court finds that the granting of the requested stay would unnecessarily delay the adjudication of this case. Accordingly, the Court finds that the Defendant’s Motion to Stay Disclosures and Discovery [**Doc. 27**] is not well-taken, and it is **DENIED**. The parties shall make their initial disclosures on or before **November 11, 2014**, and they shall respond to any written discovery that is currently outstanding on or before **November 25, 2014**.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge